

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MICHAEL W. SCHLAX,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD75874

Date: February 4, 2014

Appeal from:
Platte County Circuit Court
The Honorable James W. Van Amburg, Judge

Appellate Judges:
Division Two: Gary D. Witt, Presiding Judge, Lisa White Hardwick and Alok Ahuja,
Judges

Attorneys:
Frederick Ernst, Kansas City, Mo for Appellant.
Dora Fichter, Jefferson City, MO, for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

MICHAEL W. SCHLAX

Appellant,

v.

STATE OF MISSOURI,

Respondent.

WD75874

Platte County

Before Division Two: Gary D. Witt, Presiding Judge, Lisa White Hardwick and
Alok Ahuja, Judges

Michael Schlax appeals the judgment denying his Rule 29.15 motion, after he was convicted of leaving the scene of a motor vehicle accident. Schlax contends the motion court clearly erred in denying post-conviction relief because his appellate counsel was ineffective in failing to raise a sufficiency of the evidence claim on appeal.

AFFIRMED.

Division Two holds:

The motion court did not clearly err in denying Schlax's claim. The circumstantial evidence demonstrated that Schlax left the scene of the motor vehicle accident knowing that the accident had caused personal injury. Any challenge to the sufficiency of the evidence would not have led to a different outcome on appeal; therefore, Schlax's appellate counsel was not ineffective for failing to raise such a claim.

Opinion by: Lisa White Hardwick, Judge

February 4, 2014

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